

REMARKS

Claims 1-4, 6-9 are Allowable

The Office has rejected claims 1-4, and 6-9 at paragraphs 1-1.8 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent No. 6,341,160 (“Tverskoy”) in view of U.S. Patent No. 6,853,714 (“Liljestrand”) and further in view of U.S. Patent No. 5,826,026 (“Friedman”). Applicants respectfully traverse the rejections.

The cited portions of the asserted combination fail to disclose or suggest preparing an outgoing message in response to recognizing that the calling party left the message, the outgoing message including an email address associated with the calling party, as in claim 1. The Final Office Action dated June 5, 2007, admits in paragraph 1.1 that Tverskoy does not disclose this element of claim 1. Further, the cited portions of Liljestrand do not disclose this element of claim 1. Instead, Liljestrand discloses that the subscriber can reply to the voice mail via e-mail if the caller's e-mail address is known, and that the caller's e-mail address can be included with the voice mail message sent to the subscriber's e-mail address. *See* Liljestrand, column 17, lines 53-57. However, contrary to the Office's submission in paragraph 1.1 of the instant Non-Final Office Action, the cited portions of Liljestrand fail to disclose preparing an outgoing message, the outgoing message including the e-mail address associated with the calling party. Specifically, Liljestrand in column 17, lines 49-51 merely discloses the forwarding of a voice mail message to an e-mail address and the inclusion of the caller's email address “with the voice mail message” (column 17, lines 56-57). Contrarily, claim 1 recites the preparation of an outgoing message. “Preparation” of a message as in claim 1 suggests the creation and formatting of message content which, as in claim 1, includes as content therein “the email address associated with the calling party”. Inclusion of message content through “preparation” is more than the mere “forwarding” of an already existing voicemail as disclosed by Liljestrand in column 17, lines 49-51. Further, the cited portions of Friedman do not disclose or suggest this element of claim 1. Therefore, claim 1 is allowable.

Claims 2-4 and 6-9 depend from claim 1, and are therefore allowable at least by virtue of their dependence from allowable claim 1. Further, the cited portions of the asserted combination

fail to disclose or suggest that the outgoing message has a format selected from the group consisting of an electronic mail message format, a mobile alert format, an IM format, an SMS format, an EMS format, and an MMS format, as in claim 6. Instead, Tverskoy discloses that the e-mail message may contain an attached voice message in WAV format, some other audio format, or compressed voice data. *See* Tverskoy, col. 5, lines 2-11. Further, the cited portions of Liljestrand and Friedman fail to disclose or suggest this element of claim 6. For this additional reason, claim 6 is allowable.

Claim 10 is Allowable

The Office has rejected claim 10 at paragraph 2 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Tverskoy in view of Liljestrand and further in view of Friedman and further in view of U.S. Patent No. 6,304,636 (“Goldberg”). Applicants respectfully traverse the rejection.

The cited portions of Tverskoy, Liljestrand, Friedman, and Goldberg fail to disclose or suggest the specific combination of claim 10. Claim 10 depends from claim 1 which Applicants have shown to be allowable. Thus, claim 10 is allowable at least by reason of its dependency from a claim which has been shown to be allowable. As explained above, the cited portions of Tverskoy, Liljestrand and Friedman fail to disclose each and every element of claim 1, from which claim 10 depends. The cited portions of Goldberg do not disclose the elements of claim 1 that are not disclosed by Tverskoy, Liljestrand and Friedman. For example, the cited portions of Goldberg do not disclose preparing an outgoing message in response to recognizing that the calling party left the message, the outgoing message including an email address associated with the calling party, as in claim 1. Instead, Goldberg discloses sending an e-mail to a called party, which may have a digital audio file attached or may have digitized text included in the body of the e-mail. *See* Goldberg, col. 3, lines 23-28. Therefore, the cited portions of Tverskoy, Liljestrand, Friedman, and Goldberg, separately or in combination, do not disclose or suggest each element of claim 1, or of claim 10, which depends from claim 1. Hence, claim 10 is allowable.

Claims 11-19

The Office has rejected claims 11-19 at paragraphs 3-3.9 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Tverskoy in view of Friedman. Applicants have canceled claims 11-19 without prejudice or disclaimer and therefore the rejections are moot.

Claims 21-27 are Allowable

The Office has rejected claims 21-27 at paragraphs 4-4.7 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Tverskoy in view of Liljestrand. Applicants respectfully traverse the rejections.

The asserted combination of the cited portions of Tverskoy and Liljestrand do not disclose or suggest the specific combination of claim 21. For example, the cited portions of Tverskoy do not disclose employing a messaging device to compose an electronic mail message in response to a voice message, to attach an audio file representing the voice message to the electronic mail message, and to initiate sending of the electronic mail message via a wide-area communication network where the electronic mail message includes the email address of the calling party, as in claim 21. Instead, Tverskoy discloses that a control system generates e-mail messages for each voice message stored in memory, each email message having a header that may include a date and time of the call and caller identification information, if received with the call, and has an attached file with the voice message in digitized form. *See* Tverskoy, col. 4 line 62 – col. 5, line 2. The cited portions of Tverskoy do not disclose that the email message includes the email address of the calling party which the Office admits in paragraph 4.1. The cited portions of Liljestrand fail to disclose this element. Liljestrand, in contrast to claim 21, discloses that voice mail messages can be forwarded, and that the caller's email address can be included with the voice mail message sent to the subscriber's email address not as an inclusion of the email message itself as recited in claim 21. The cited portions of Liljestrand fail to disclose composing an outgoing message, the outgoing message including the e-mail address associated with the calling party. Specifically, Liljestrand in column 17, lines 49-51 merely discloses the forwarding of a voice mail message to an e-mail address and the inclusion of the caller's email address "with the voice mail message" (column 17, lines 56-57). Contrarily, claim 21 recites the composition of an email message. "Composition" of a message as recited in claim 21 includes

the creation and formatting of message content which, as in claim 21, includes as content therein “the email address associated with the calling party”. Inclusion of message content through “composition” is more than the mere “forwarding” of an already existing voicemail as disclosed by Liljestrand in column 17, lines 49-51. The cited portions of Liljestrand do not disclose employing a messaging device to attach an audio file representing the voice message to an electronic mail message, or that an electronic mail message includes the email address of the calling party. Therefore, the cited portions of Tverskoy and Liljestrand, separately or in combination, fail to disclose or suggest each and every element of claim 21. Hence, claim 21 is allowable.

Claims 22-27 depend from claim 21, and are therefore allowable, at least by virtue of their dependence from allowable claim 21. Further, the cited portions of Tverskoy and Liljestrand, separately or in combination, fail to disclose or suggest addressing the electronic mail message to more than one intended recipient, as recited in claim 26. Instead, Tverskoy discloses that any email messages generated are sent to the user’s own email account. *See* Tverskoy, col. 5, lines 24-25. Further, the cited portions of Liljestrand do not disclose this element of claim 26. For this additional reason, claim 26 is allowable.

Claims 29, 30, and 32-35 are Allowable

The Office has rejected claims 29, 30, and 32-35 at paragraphs 5-5.4 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent No. 6,483,899 (“Agraharam”) in view of U.S. Patent No. 6,621,800 (“Klein”). Applicants respectfully traverse the rejections.

The cited portions of Agraharam and Klein fail to disclose or suggest the specific combination of claim 29. Agraharam discloses a messaging system wherein a telephone voice message is converted from audible spoken language to a text message. If as illustrated in Figure 2, the caller wishes to leave a message block 210 determines whether the message is to be a text message. If not, a voice message is attempted in block 245 and is directed to the recipient’s voice mailbox, and if the mailbox is not full the message is recorded in the voice mailbox in block 255. If, however, the sender desires to leave a text message in block 210 or if the voice mailbox is determined to be full in block 250, then and only then is an email address for the

recipient prompted for in block 215. The oral message is then converted to a text message in block 220 and is transmitted via email to the recipient in block 235. The cited portions of Agraharam do not disclose to transmit to the recipient via email an audio/vocal message. Thus, the message transmitted by Agraharam via email is a text message, albeit an oral message that has been converted to text. Contrary to the teaching of Agraharam, claim 29 includes the prompting of the caller to leave both an audio message portion and non-audio data for inclusion with the message. Further, claim 29 recites that in addition to composing an electronic mail message in response to the voice message, an “audio file representing the voice message” is attached to the electronic mail message. The portions of Agraharam cited by the Office do not teach the attachment of an audible file or message with the generated email. Agraharam teaches the emailing of a text file that has been converted from an audible message. Audible messages are either converted to text files or directed to the recipient’s voice mailbox, audible files are not attached to an email. While Klein discloses a voice messaging system for telephones connected using Voice Over Internet Protocol (VOIP), the cited portions of Klein do not teach the deficiencies noted in Agraharam with respect to claim 29. Hence, claim 29 is allowable. Claim 30 depends from claim 29, and is therefore allowable at least by virtue of its dependence from allowable claim 29.

Claim 32, as amended, recites “a messaging engine to compose an outgoing message including the stored audio and non-audio portions of the message and to transmit the outgoing message to a remote messaging server”. As discussed above with respect to claim 29, the cited portions of Agraharam teach the emailing of a text file that has been converted from an audible message, and voice or audio messages are directed to the recipient’s voice mailbox and are not transmitted by email. Applicants adopt their arguments above with respect to claim 29 in support of the position that claim 32 is likewise allowable. Hence, claim 32 is allowable and claims 33-35 are allowable by reason of their dependence from allowable claim 32.

CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the cited portions of the references as applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

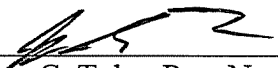
Any changes to the claims in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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Date



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